

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Part 97 of the Commission's	)	
Amateur Radio Service Rules to Eliminate	)	RM - 10786
Morse Code Proficiency Testing Requirements	)	
For All Classes of Amateur Licenses	)	
	)	
To: The Commission	)	

Comments Of [Leo Burke, K8LEO](#)

I am writing in support of the petition to eliminate the "Element 1" Morse test totally from the Commission's rules for all license classes.

1. Morse Code is only required to pass a test, but Amateurs are have NO requirement to maintain proficiency.

I have read many responses to the various no-code proposals. The common theme among those who want to retain the code requirements, seems to be: "real Amateurs use Morse code". The fallacy of this argument is that there is no requirement to ever use Morse code again, once an individual has passed the test. Airplane pilots are required to demonstrate their proficiency at least once every two years to continue to use the privileges of their certificates. There is no equivalency for Morse code.

Under current rules, an Amateur Radio Operator could pass an exam including the Morse code and never use Morse code again for his/her entire life. So what makes the code so special? Nothing.

Morse code had it's purpose, and it's still a common method to communicate but is it required? No. Especially as other nations around the world are quickly eliminating the requirement.

2. It's about communication.

Many of the responses to the 'No Code' proposals have met with objections from current Extra, Advanced and General class license holders. Their objections seem to range from "I had to do it, so should you." to "Pass the code or stick to CB radio". They do not address 'why' Morse code is important, or even relevant to modern communicators.

Restricting access to large chunks of bandwidth, not because an individual lacks knowledge or skills, but because that individual can not pass a clerical or mechanical test is ridiculous. Dr. Stephen Hawking, a world renown physicist could not pass the 5 WPM code test. Does this mean he's not intelligent enough to be in the Amateur Radio Service? No. It simply means that an archaic requirement's time has come and gone. A more relevant clerical test for modern communicators would be a typing test. Far more communications is and will continue to shift to digital formats in the future.

Rather than focus on expanding Amateur radio to potential communicators, these 'old school' individuals seem to like the idea of a dying hobby with more bandwidth for them. At least until it becomes commercial bandwidth, due to disuse.

### 3. Surpassed by technology

I recently earned my Amateur Radio License – Technician (K8LEO). However, I am not new to the use of HF or VHF radio equipment, as I have been an active member of and communicator in the USAF Auxiliary, Civil Air Patrol (CAP). The Civil Air Patrol is a national organization with frequencies and equipment that is often, the same as the equipment used by the Amateur Radio Service.

In twenty three years of communicating under ACTUAL and simulated emergency conditions, I have never encountered a situation where our operators have required Morse Code to communicate emergency traffic. While it is a valid option, it has simply been surpassed by other technologies. RTTY or Packet or even "internet to remote locations" allow the communication of much larger and more complex amount of information, more accurately then Morse Code.

My experience is in managing large Search and Rescue and Disaster Relief missions. When lives are at risk, when minutes count, you can not wait fifteen minutes for a page of text to be transmitted. Digital technology moves critical information more quickly and accurately than the best CW'er could ever dream. Time to focus on the future, not the past.

### 4. Morse code is in use in Aviation, it is adjunct to other tools, rather than a barrier to access.

Today, with all the modern navigation tools available, Morse is still used to identify navigation aids in aviation. There is no requirement for pilots to learn Morse code. The Morse dots and dashes are printed along side the navigation aid's information on all charts and maps. Morse is used to communicate as it was originally intended. It remains an accurate, simple way to communicate somewhat random bits of information in small portions.

Will Morse code have a place in Amateur radio? Always. Clearly using it to identify radio stations or repeaters is a practical use. And CW will remain a popular communication medium for many many years.

### 5. The FCC already knows all of this.

The *ONLY* reason that the Commission cited in its most recent comprehensive review of its Part 97 amateur rules (WT Docket No. 98-143) for keeping *any* Morse testing at the its decision in that Proceeding no longer exists.

The Commission concluded in WT Docket No. 98-143 that the public interest will best be served by reducing the (Morse) telegraphy examination requirement to the minimum requirement that that meets the [ITU] Radio Regulations.

The “*minimum requirement that meets the ITU Radio Regulations*” for any class of amateur license is now no Morse test at all.

Since the Commission is no longer bound by an unwaivable requirement in the ITU Radio Regulations it can, and should, act promptly to remove an unnecessary, restrictive requirement.

In summary, for all of the reasons outlined and referenced herein, the Commission should enact the following changes to its rules *in the most expeditious manner possible*:

1. Eliminate the “Element 1” Morse test totally from the Commission’s rules for all license classes.
2. Since the only testing distinction between the Technician class and the (grandfathered) Technician Plus class is the “Element 1” Morse Test, modify, as a consequential and logical change, the privileges afforded to Technician class licensees to be equivalent to those currently afforded to Technician Plus licensees and “Technician with Morse credit” licensees.

Respectfully submitted,

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